

REMARKS

In response to the Notice of Non-Compliant Amendment mailed on October 16, 2007, the status identifier for claim 31 has been modified from “Original” to “Currently Amended.” Further, in response to the Office Action mailed on July 11, 2007, Applicant respectfully requests reconsideration. Claims 1, 3-9 and 11-34 are now pending in this Application. Claims 3, 4, 11, 12, 20, 26 and 27 been indicated as being in condition for allowance. In addition, claims 1, 9, 17, 18, 19, 25 and 31 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 3, 9, 11, 17, 18, 19, 25 and 31 been amended and claims 2 and 10 have been cancelled. Claims 33 and 34, which depend from claim 1, have been added. Applicant believes that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Preliminary Matters

As discussed in §2163.07(a) of the M.P.E.P., a patent application can disclose an inherent property even though it says nothing explicit concerning it. Thus, the application may later be amended to recite that property without introducing prohibited new matter. Here, Applicant believes that the subject matter of the claim amendments is inherently disclosed in Applicant’s Specification at Pages 17-18 with respect to Figure 3. The limitation of **the noise element containing data that pertains to similar subject matter as data of at least one of the portions of the content** is disclosed on page 18 where a portion of the content is “cars” and the noise elements are “airplane” and “tanks.” Clearly, there is a similarity between the content portion and the noise elements since both relate to the same subject matter of vehicles.

In addition, the limitation of **manifesting an appearance, to a third party, that the noise element and the portion of the content have a similar relevance with respect to the content due to the noise element and the portion both containing data of the similar subject matter** is disclosed at Page 17. Specifically, Applicant’s

Specification discloses that the **noise element(s) and content portions are minimally different so as to minimize an unauthorized user from detecting a difference** between the noise element and the content portions. Where an unauthorized user cannot detect the difference between noise elements and content portions, it inherently means that the unauthorized user would also not be capable of determining which of the two is more relevant as to the meaning of the content as a whole. Thus, in view of the above and in accordance with §2163.07(a), Applicant respectfully submits that the amendments to claims 1, 3, 9, 11, 17, 18, 19, 25 and 31 do not introduce new matter and that the cited references of record fail to disclose or suggest the elements of new claims 33 and 34.

Rejections of Claims 17 and 31 under §101

Claims 17 and 31 stand rejected under 35 U.S.C. §101 for producing no tangible, concrete and useful results. To traverse this rejection, Examiner suggests an amendment that reads “A computer readable medium encoded with a computer program.” However, claims 17 and 31 already recite the limitation of a **computer program product having a computer-readable medium including computer program logic encoded thereon**. Thus, Applicant believes that claims 17 and 31 already recite the Examiner’s suggested amendments. Thus, this rejection should be withdrawn.

Rejection of Claims 1-2, 5, 7-10, 13, 15-19, 21, 23-25 and 29-32 under §102

Claims 1-2, 5, 7-10, 13, 15-19, 21, 23-25 and 29-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shawcross, WO 01/91397 A2.

Shawcross relates to a method for protecting Internet sites against traffic analysis on insecure public networks. (See Abstract) In particular, Shawcross provides protection from unauthorized personnel who may determine which address to monitor between end stations that receive multicast packets from a transmitter. (*Id.*) To do so, Shawcross teaches a data coding scheme, such as code division multiplexing, that is

employed on the data of each individual multicast packet. In code division multiplexing, each receiver is given a different orthogonal code sequence. The bits in a packet destined for a particular receiver are multiplied by that receiver's corresponding code to result in a combination data and code sequence for the receiver. Once the multicast packet is received at a given receiver, it is passed through a demultiplexer to produce output that is the original data.

When there is no current data to be sent, Shawcross allows for the transmitting site to incorporate null data into the coding scheme. Contrary to Examiner's rejection, such null data does not teach the **noise element** recited in amended claims 1, 9, 17, 18, 19, 25 and 31 and new claims 33 and 34. Specifically, Applicant's **noise element** is not null data because it contains **data that pertains to similar subject matter as a portion of content**, the **portion of content** being part of an original message that is intended for a receiving site. By relating to **similar subject matter**, the **noise element is minimally different** than the content portion and can thereby **manifest an appearance of a similar relevance** as the **content portion** with regard to the meaning of the original message as a whole. In contradistinction, Shawcross uses null data in response to a lack of current data and the content (i.e. value) within the null data is inconsequential. Hence, Shawcross is not directed towards transmitting null data that **pertains to** or is **minimally different** than portions of content.

For the reasons stated above, Applicant submits that Shawcross does not teach independent claims 1, 9, 17, 18, 19, 25, 31 and all respective dependent claims. Accordingly, the rejection under 35 U.S.C. §102(e) should be withdrawn. If the rejection is to be maintained, Applicant requests that it be pointed out with particularity where the cited reference discloses the claim limitations as disputed above.

Rejection of Claims 6, 14, 22 and 28 under §103

Claims 6, 14, 22 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shawcross in view of Shannon, U.S. Patent No. 6,233,618.

As discussed, Shawcross fails to teach or suggest **data of a noise element that pertains to similar subject matter as a portion of content**. Shannon fails to make up for the deficiencies of Shawcross. Instead, Shannon relates to an access control technique to limit access to content available on the Internet. (See Abstract) Such access control is determined by comparing client source information against a database of uniform resource locators (URLs), IP addresses, or other resource identification data that specifies the data requested by the client. (*Id.*) Shannon validates client identities by organizing potential client computers into groups and categories within the database. (See Col. 7) When a user seeks access to a server location (i.e. web page, file), Shannon's database will deny that user access if the user is excluded from a database grouping that covers the sought after server location. (See Col. 8, Lines 6-11) Shannon therefore provides access control not based only upon content but primarily upon the identity of the requesting computers and users. (Abstract) Thus, Shannon is clearly not teaching the use of a **noise element** either in a user's request or in the database. Such a **noise element** would interfere with Shannon's attempts to validate user identities or information stored in the database.

For the reasons stated above, Applicant submits that neither Shawcross nor Shannon teach or suggest Applicant's independent and dependent claims. Accordingly, the rejection under 35 U.S.C. §103(a) should be withdrawn. If the rejection is to be maintained, Applicant requests that it be pointed out with particularity where the cited reference discloses the claim limitations as disputed above.

In view of the above, the Examiner's objections and rejections are believed to have been overcome, placing claims 1, 5-9, 13-19, 21-25 and 28-34 in condition for allowance with allowable claims 3, 4, 11, 12, 20, 26 and 27, and reconsideration and allowance thereof is respectfully requested.

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Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

David W. Rouille, Esq.
Attorney for Applicant(s)
Registration No.: 40,150
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

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